



600-1-060 #9

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ANTHONY CERAMI AND  
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SERIAL NO.: 07/956,722 : EXAMINER: M. CEPERLEY

FILED : OCTOBER 1, 1992 : GROUP ART UNIT: 1802

FOR : PRODUCTS OF THE INHIBITION OF ADVANCED GLYCOSYLATION

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(Name of Registered Representative)

Marcella Kaype 11/15/93  
(Signature and Date)

RESPONSE TO REQUIREMENT FOR RESTRICTION

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

This is in response to the Office Action of September 16, 1993, now due for response on November 16, 1993, by virtue of a Petition and Fee for a One-Month Extension of Time enclosed herewith, comprising a Requirement for Restriction as between the following claim groups.

I. Claims 1-3, 7, 8, 24 and 25 (at least part of each), drawn to triazine compounds of the formulas (I) and (II), classified in Class 544, subclasses 182-184.

II. Claims 1, 7, 8, 24 and 25 (at least part of each), drawn to diazine compounds and compositions, classified in Class 544, subclass 331 and 332.

III. Claims 1, 7, 8, 24 and 25 (at least part of each), drawn to diazole compounds and compositions, classified in Class 548, subclass 315.

IV. Claims 1, 7, 8, 24 and 24 (at least part of each), drawn to compounds and compositions having seven-membered rings containing two nitrogen atoms classified in Class 540, subclass 492.

V. Claims 1, 2, 4, 7, 8, 24 and 25 (at least part of each), drawn to non-heterocyclic compounds and compositions, classified in Class 564, subclass 225.

VI. Claims 5, 6, 9-18 and 20, drawn to tracers, kits and a method of determining antibodies or antigens, classified in Class 435, subclasses 7.1+ and 188.

VII. Claims 16 and 26, drawn to a method of making the compounds of Claim 1, classified based on the type of final product obtained.

VIII. Claim 19, drawn to an in vivo method of administering an antibody, classified in Class 424, subclass 85.8.

IX. Claims 21-23, drawn to a method of cross-linking proteins, classified in Class 530, subclass 403+.

Applicants strenuously traverse the requirement; however, as required, provisionally elect the prosecution of claims of Group I, namely Claims 1-3, 7, 8, 24 and 25, and, as a species, the compound of Claim 3, i.e., 3-amino-5-propylaminomethyl-6-(2', 3'-dihydroxypropyl)-1,2,4-triazine.

Under 35 U.S.C. 121, "two or more independent and distinct inventions... in one application may... be restricted to one of the inventions." Inventions are "independent" if "there is no

disclosed relationship between the two or more subjects disclosed" (MPEP 802.01). The term "distinct" means that "two or more subjects as disclosed are related... but are capable of separate manufacture, use or sale as claimed, and are patentable over each other" (MPEP 802.01). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

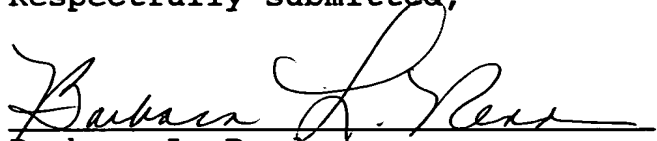
1. Separate classification;
2. Separate status in the art; or
3. Different field of search

Under Patent Office rules, "If the search and examination of an entire application can be made without serious burden, the Examiner is encouraged to examine if on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803).

In the present instance, the central aspect of all the claims is the identification of the compounds which form in Maillard reactions inhibited by aminoguanidine or one of its analogs. It would therefore follow that a search directed to the use of such compounds, as well as to processes for preparing such compounds, would extend to the relevant areas of classification where the compounds themselves would be searched. Simply stated, a search of any of the claims of the identified groups would require a search for the compounds alone. On this basis, Applicants urge that the restriction be withdrawn, and that all of the claims of record be examined simultaneously.

For the above reason, Applicants request withdrawal of the Requirement for Restriction and action on the merits as to all of the claims presently pending in the case.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara L. Renda", is written over a horizontal line.

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